

Amendments to the Drawings:

The attached replacement drawing sheets contain amended drawings having details commensurate with the claims. Applicant respectfully submits that the amended drawings show every feature of the invention specified in the claims, in accordance with 37 CFR 1.83(a).

In particular, the electric motors specified in the claims have been added and clearly identified in the corrected drawings.

A detailed listing of the changes to the drawings is as follows:

Figures 1a to 1d: Figures 1a to 1d have been amended to show an electric motor disposed in the base 132. Reference numeral 133 has been added to denote the electric motor. No new matter has been added in the amendment.

Figures 4a to 4c: Figures 4a to 4c have been amended to show an electric motor disposed in the load platform 120. Reference numeral 121 has been added to denote the electric motor. No new matter has been added in the amendment.

Attachment: Replacement Sheets containing Figures 1a to 1d, and 4a to 4d are following page 16 of this paper.

Remarks/Arguments

Claims 1-19 remain in the application. Claims 1, 2, 4, 6, and 17 are amended.

Drawings

Re item 1.1:

Applicant has amended figures 1a to 1d to show an electric motor denoted by reference numeral 133 disposed in the base 132, and figures 4a to 4c to show an electric motor denoted by reference numeral 121 disposed in the load platform 120. Furthermore, Applicant has amended paragraphs [0016] and [0021] of the specification to include the added reference numerals 133 and 121, respectively.

No new matter has been added in the amendments to specification and the drawings.

Re item 1.2:

Applicant respectfully submits that figures 1a to 3d, and in particular figures 2a to 2d clearly show a left hand side lift actuator and a right hand side lift actuator - in the form of a hydraulic cylinder - denoted by reference numeral 126. Therefore, Applicant respectfully submits that the drawings show every feature specified in claim 1 and are in accordance with 37 CFR 1.83(a).

Claim Objections

Claims 2, 4, 6 and 17 have been amended in the preamble to read "further comprising" as suggested by the Examiner. No new matter has been added.

Claim Rejections - 35 USC § 102

Claims 1-4, 6, 10, 12-19 are rejected under 35 USC 102(b) as being anticipated by McFarland (US 4,616,972).

Referring to claim 1, Applicant respectfully submits that McFarland does not teach every feature of the instant invention in as complete detail as is recited in claim 1. In particular, McFarland fails to disclose:

firstly: “a load platform for receiving the load, **the load platform being horizontally movable between a loading position with the load platform being disposed behind a rear bumper of the vehicle and a transport position inside the vehicle;**” and,

secondly: “a lift unit comprising a lift support base for supporting the load platform when disposed outside the vehicle, the lift support base being mechanically connected at a left hand side and at a right hand side to a left hand side lift actuator and a right hand side lift actuator, respectively, **the lift actuators for approximately linearly vertically moving the lift support base with the load platform between a first vertical position with the load platform being in close proximity to ground and a second vertical position suitable for horizontally moving the load platform into the vehicle;**”

McFarland teaches a chair rack 34 connected to a carriage 30 by a pair of drive links 36 and a pair of drag links 38 for enabling a rotational movement of the chair rack. In particular, in column 5 lines 53 to 68 McFarland teaches with reference to Figs. 1 to 4: “The chair is then collapsed, and the rack and chair are **rotated** about drive links 36. ... A midway point of this **rotational** cycle is illustrated in Fig. 2 ...”. In other words, McFarland clearly teaches a rotational movement of the chair rack from a position behind a rear bumper of a vehicle to a position inside the vehicle, as is also clearly shown in the sequence of Figs. 1 to 3.

Applicant respectfully submits that this rotational motion of the chair rack **is not equivalent** to the combination of a vertical movement: “moving ... the load platform between a first vertical position with the load platform being in close proximity to ground and a second vertical position suitable for horizontally moving the load platform into the vehicle” with a horizontal movement: “... the load platform being horizontally movable between a loading position with the load platform being disposed behind a rear bumper of the vehicle and a transport position inside the vehicle;” as recited in claim 1.

Applicant further submits that the object of providing such a device is the loading of a collapsed wheel chair. As is evident from Figs. 1 to 4, the rotational movement of the chair rack and, therefore, a load, substantially limits the size of the load that can be moved through the rear door opening of a vehicle.

Advantageously, the invention as recited in claim 1 does not require a rotational movement of the load. By combining a vertical movement with a horizontal movement, the invention as recited in claim 1 maximizes the size of a load that can be moved through the rear door opening of a vehicle. Further advantageously, the invention as recited in claim 1 allows loading of fragile goods by omitting the rotational movement.

In respect of claim 2, Applicant respectfully submits that McFarland does not teach the claim feature “an extension unit being movably attached to the base for translational movement between a first position where the extension unit is completely inside the vehicle and **a second position where a portion of the extension unit is moved through the rear door opening.**” McFarland only teaches a carriage that is longitudinally movable within a chassis disposed inside a vehicle, as is shown in Figs. 1 to 4. Applicant respectfully submits that McFarland does not teach every feature of the instant invention in as complete detail as recited at claim 2. Accordingly, claim 2, which depends from believed allowable claim 1, is also believed to be allowable.

In respect of claim 3, Applicant respectfully submits that McFarland does not teach the claim feature “...wherein the left hand side gear mechanism and the right hand side gear mechanism are **acting in response to the translational movement of the extension unit.**” As shown in the sequence of Figs. 1 to 4 and in column 6 lines 4 to 20, McFarland only teaches a rotational movement of the chair rack, shown in Figs. 1 to 3, followed by the translational movement of the carriage to the foremost position, shown in Fig. 4. Applicant respectfully submits that McFarland does not teach every feature of the instant invention in as complete detail as recited at claim 3. Accordingly, claim 3, which depends from believed allowable claim 1, is also believed to be allowable.

Applicant respectfully submits that claims 4, 6 and 10 depend either directly or indirectly from believed allowable claim 1. Accordingly, the applicant submits that claims 4, 6 and 10 are also allowable.

In respect of claim 12, Applicant respectfully submits that McFarland does not teach the claim features:

“a first lever pivotally connected to the base;

a second lever pivotally connected to the first lever and pivotally connected to a lever support mounted to the extension unit, **the second lever for pivotally moving the first lever in dependence upon translational movement of the extension unit;**

a third lever pivotally connected to the lever support and pivotally connected to a bottom portion of the lift actuator for providing substantially translational movement to the lift actuator; and,

a fourth lever pivotally connected to the first lever and pivotally connected to a top portion of the lift actuator for providing substantially rotational movement to the lift actuator.”

As shown in Fig. 13, cited by the examiner, McFarland teaches drive links 228 and 230 with both being pivotally connected to an upper portion of the chair rack and to the carriage 220. This **is not equivalent** to the features of claim 12 as highlighted above. In particular, McFarland does not teach connecting a lever to a top portion of the lift actuator and connecting another lever to a bottom portion of the lift actuator **for providing substantially translational movement**. Furthermore, McFarland does not teach a second lever for pivotally moving a first lever in dependence upon translational movement of the extension unit, but rotational movement of bell cranks causing translational movement of the carriage. Applicant respectfully submits that McFarland does not teach every feature of the instant invention in as complete detail as recited at claim 12. Accordingly, claim 12, which depends from believed allowable claim 1, is also believed to be allowable.

Applicant respectfully submits that claim 13 depends indirectly from believed allowable claim 1. Accordingly, the applicant submits that claim 13 is also allowable.

In respect of claim 14, Applicant respectfully submits that McFarland does not teach the claim feature "...wherein the lift support base being disposed in proximity to an upper inclined portion of the rear door opening and oriented substantially parallel thereto." As shown in Fig. 4, wheel rails 50 and 52 are disposed at a bottom portion of the rear door opening and are not oriented substantially parallel thereto. Applicant respectfully submits that McFarland does not teach every feature of the instant invention in as complete detail as recited at claim 14. Accordingly, claim 14, which depends from believed allowable claim 1, is also believed to be allowable.

Claim 15 is a method claim corresponding to independent apparatus claim 1 and has been rejected for the same reasons. Therefore, the above arguments apply here *mutatis mutandis*.

For example, claim 15 recites "translationally moving the load platform with the load through the rear door opening from the lift support base into the vehicle." This is not supported by the disclosure of McFarland as in that reference, the load platform is moved rotationally instead of translationally. Thus, claim 15 is not anticipated by McFarland.

Applicant respectfully submits that claim 16 depends directly from believed allowable claim 15. Accordingly, the applicant submits that claim 16 is also allowable.

Claim 17 is a method claim corresponding to dependent apparatus claim 2 and has been rejected for the same reasons. Therefore, the above arguments apply here *mutatis mutandis*.

Applicant respectfully submits that claim 18 depends indirectly from believed allowable claim 15. Accordingly, the applicant submits that claim 18 is also allowable.

Claim 19 is a method claim corresponding to dependent apparatus claim 14 and has been rejected for the same reasons. Therefore, the above arguments apply here *mutatis mutandis*.

Claim Rejections – 35 USC § 103

Claims 5 and 7 are rejected under 35 USC 103(a) as being unpatentable over McFarland in view of Bourdage (US 4,907,936).

Applicant respectfully submits that claims 5 and 7 depend indirectly from believed allowable claim 1. Accordingly, the applicant submits that claims 5 and 7 are also allowable.

Claims 8 and 9 are rejected under 35 USC 103(a) as being unpatentable over McFarland in view of Bourdage and further in view of Wolfe (US 5,052,879).

Applicant respectfully submits that claims 8 and 9 depend indirectly from believed allowable claim 1. Accordingly, the applicant submits that claims 8 and 9 are also allowable.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over McFarland in view of Poindexter (US 5,651,657).

Applicant respectfully submits that claim 11 depends indirectly from believed allowable claim 1. Accordingly, the applicant submits that claim 11 is also allowable.

No new matter has been added in the amendments.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-1142.

Respectfully submitted,



Gordon Freedman, Reg. No. 41,553

Freedman & Associates
117 CentrepoinTE Drive, Suite 350
Nepean, Ontario
Canada K2G 5X3

Tel: (613) 274-7272
Fax: (613) 274-7414
Email: gordon@freedmanandassociates.ca